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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,226	11/13/2003	Jerome A. Maloney	560043-620-640	8486
28997	7590	05/17/2006	EXAMINER	
HARNESS, DICKEY, & PIERCE, P.L.C			GALL, LLOYD A	
7700 BONHOMME, STE 400			ART UNIT	
ST. LOUIS, MO 63105			PAPER NUMBER	
			3676	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/712,226

Applicant(s)

MALONEY ET AL.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6,14-16,19,25-30,33-37 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,14-16,19,25-30,33-37 and 39-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cables recited throughout the claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 33, 36, 37 and 39 are objected to because of the following informalities: Claim 33 is unclear since it depends from a canceled claim. In claim 33 (see also claims 36 and 37 which depend from claim 33), there is no antecedent basis for "the

outer surface". In claim 39, line 2, "said cables" is unclear, since claim 30 is regarded as only claiming the cables inferentially, and not positively claiming cables. Appropriate correction is required.

Applicant should note that claim 41 is regarded as the only claim which is positively claiming cables. The other claims are regarded as inferentially claiming cables, or the capability of supporting cables.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30 and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al (960) in view of Meyer (118) or Sullivan et al (365).

James et al teaches a dome 12 on a base 10, a lock 22 as seen in fig. 2 and mounted within the dome, and capable of being mounted adjacent cables, the dome 12 being slidable on the base 10, the lock including an outer surface 50 in fig. 2. The dome of James is capable of supporting cables therein. Meyer teaches a guard 12 for a lock 3, 7, wherein the guard is free of sharp edges, and includes rounded corners throughout its surface, and upper and lower surfaces (the top half and bottom half) as seen in fig. 2, as well as slanted surfaces at the top and bottom periphery of the guard 12 as seen in fig. 2. Sullivan teaches slanted walls and rounded corners (column 5, lines 39-40) on a lock housing. It would have been obvious to modify the lock housing portion(s) 25 and/or 50 of James to be free of sharp edges, in view of the teaching of Meyer or

Sullivan, the motivation being to prevent tampering tools from engaging the outer surface of the lock housing, and to inherently prevent the snagging of anything when the dome is installed or removed.

Claims 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al (960) in view of Meyer or Sullivan et al as applied to claim 30 above, and further in view of Voegeli (279).

Voegeli teaches a mounting plate 31 for cables 33, 34. It would have been obvious to provide a mounting plate with cables within the dome of the modified James et al reference, in view of the teaching of Voegeli, since James is intended to function in a cable environment.

Claims 1-3, 6 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al (960) in view of Meyer or Sullivan et al, Hollister and Mahaney.

James teaches a base 25 mounted on a dome of a pedestal cover 10 by means of attaching 101, a channel between the side walls 25, and a rotator 70 to control a spring-biased latch 29, 30. Meyer and Sullivan teaches a lock housing free of sharp edges and having rounded corners and slanted walls, as set forth above. Hollister teaches a lock mounted on a closure, including a spring-biased 21 slider 9 in a channel 16, 17 and actuated by a rotator 25, 26, including a cam follower surface 27 on the wall labeled 9 on an extended end portion of the slider to be actuated by an arm 26 on the rotator. Mahaney 34, 30 teaches that it is well known to utilize a drainage port with a channel which houses a lock/latch. It would have been obvious to modify the lock housing

portion(s) 25 and/or 50 of James et al to be free of sharp edges, in view of the teaching of Meyer or Sullivan et al, the motivation being to prevent tampering tools from engaging the outer surface of the lock housing, and to inherently prevent the snagging of anything when the dome is installed or removed. It would have been obvious to substitute a rotator and slider for the key-actuated latch of James et al, in view of the teaching of Hollister, the motivation being to simplify assembly of the lock on the pedestal cover, and since sliding and rotating key-operable latches are well known to be interchangeable in the lock/latch art. It would have been obvious to provide a drainage port(s) with the channel of James et al as modified by Hollister, in view of the teaching of Mahaney, the motivation being to prevent corrosion of the latch parts.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al in view of Meyer or Sullivan et al, Hollister and Mahaney as applied to claim 1 above, and further in view of Yang (417).

Yang teaches a base 7a and a cover 7b each having an opening to receive a rotator 17 as seen in fig. 2A, a slider 13 having a slot to receive the rotator as seen in fig. 2B, a spring 15 mounted between a side wall and the slider. As seen in fig. 2B, the wall on the slider which is located to the left of the spring 15 in fig. 2B constitutes an abutment or limit stop projection wall. It would have been obvious to modify the rotator/slider of James as modified by Hollister to include a rotator received in a slot of the slider and mounted within openings of the base and cover, and a spring mounted between a side wall and slider, in view of the teaching of Yang, the motivation being to provide a compact rotator and slider assembly.

Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al in view of Meyer or Sullivan et al, Hollister, Mahaney and Yang as applied to claim 15 above, and further in view of Dallman (989).

Dallman teaches a snap arm(s) 82 and opening 88 for interlocking a base 38 to a cover 36. It would have been obvious to provide a snap arm and opening between the base and cover of the modified James et al reference, in view of the teaching of Dallman, the motivation being to simplify assembly of the base to the cover.

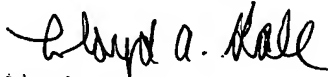
Applicant's arguments filed May 1, 2006 have been fully considered but they are not persuasive. In response to applicant's remarks, the majority of the remarks are drawn to the secondary references as being non-analogous art that cannot be combined with the James et al reference. These remarks are of no patentable significance, as it is noted that the large majority of the claims are not even positively claiming cables, and the secondary references relied upon would prevent the snagging of anything when the dome of the modified James reference is installed or removed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG  
May 12, 2006

  
Lloyd A. Gall  
Primary Examiner